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GOOGLE LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, et al. individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

GOOGLE LLC, *et al.*,

Defendant.

Case No. 3:20-CV-04688 RS

**DECLARATION OF EDUARDO E.
SANTACANA IN SUPPORT OF
GOOGLE LLC'S OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION AND
APPOINTMENT OF CLASS
REPRESENTATIVES AND CLASS
COUNSEL**

Date: October 5, 2023

Time: 1:30 p.m.

**Judge: Hon. Richard Seeborg
Ctrm. 3, 17th Floor, SF**

1 I, EDUARDO E. SANTACANA, declare that:

2 1. I am an attorney licensed to practice law in the State of California and am a partner
3 with the law firm of Willkie Farr & Gallagher LLP, located at One Front Street, San Francisco,
4 California 94111, counsel for Defendant Google LLC (“Google”) in the above-captioned action.
5 Unless otherwise stated, the facts I set forth in this declaration are based on my personal
6 knowledge or knowledge I obtained through my review of corporate records or other
7 investigation. If called to testify as a witness, I could and would testify competently to such facts
8 under oath..

9 2. I submit this declaration in support of Google’s Opposition To Plaintiff’s Motion
10 For Class Certification And Appointment Of Class Representatives And Class Counsel.

11 3. Attached hereto as **Exhibit 1** is a true and correct copy of the “Google Analytics for
12 Firebase” webpage, which was downloaded on August 24, 2023 at
13 <https://firebase.google.com/docs/analytics>.

14 4. Attached hereto as **Exhibit 2** is a true and correct copy of an excerpt of Google’s
15 Fourth Supplemental Responses and Objection to Plaintiff’s Interrogatories, Set One, served on
16 November 5, 2021.

17 5. Attached hereto as **Exhibit 3** is a true and correct copy of an internal document from
18 Google, produced with the Bates stamp GOOG-RDGZ-00056514.

19 6. Attached hereto as **Exhibit 4** is a true and correct copy of the “[GA4] Automatically
20 collected events” webpage, which was downloaded on August 24, 2023, at
21 <https://support.google.com/firebase/answer/9234069?hl=en>.

22 7. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the
23 deposition transcript of witness Steve Ganem, dated October 28, 2022.

24 8. Attached hereto as **Exhibit 6** is a true and correct copy of the Rebuttal Expert
25 Report of Google’s technical expert John R. Black, PhD., served May 31, 2023.

26 9. Attached hereto as **Exhibit 6-A** is a true and correct copy of Appendix A to the
27 Rebuttal Expert Report of Google’s technical expert John R. Black, PhD., served on May 31,
28 2023.

1 10. Attached hereto as **Exhibit 7** is a true and correct copy of Appendix X4 to the
2 Rebuttal Expert Report of John Black, served with Dr. Black's report on May 31, 2023.

3 11. Attached hereto as **Exhibit 8** is a true and correct copy of a Google policy, which
4 was attached to Dr. Black's Appendix X4 as Exhibit 20, and served with Dr. Black's report on
5 May 31, 2023.

6 12. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the
7 deposition transcript of Plaintiffs' expert Jonathan Hochman, taken June 26, 2023.

8 13. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the
9 deposition transcript of Plaintiff Sal Cataldo, taken February 17, 2022.

10 14. Attached hereto as **Exhibit 11** is a true and correct copy of copy of excerpts from
11 the deposition transcript of Plaintiffs' expert Michael J. Lasinski, dated June 29, 2023.

12 15. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the
13 deposition transcript of witness Belinda Langner, dated December 15, 2022.

14 16. Attached hereto as **Exhibit 13** is a true and correct copy of the Expert Report of
15 Donna L. Hoffman, dated May 31, 2023.

16 17. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts of Google
17 LLC's Objections and Responses to Plaintiffs' Interrogatories, Set Seven, dated October 31, 2022.

18 18. Attached hereto as **Exhibit 15** is a true and correct copy of Plaintiff Sal Cataldo's
19 Objections and Responses to Defendant's Fourth Set of Interrogatories, dated August 17, 2022.

20 19. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the
21 deposition transcript of Plaintiff Susan Harvey, dated October 27, 2022.

22 20. Attached hereto as **Exhibit 17** is Appendix X5 to the Rebuttal Expert Report of John
23 Black, served with Dr. Black's report on May 31, 2023, which is a spreadsheet listing a Selection
24 of Applications that Disclosed Use of Multiple Analytics Services.

25 21. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from the
26 deposition transcript of Chris Ruemmler, dated September 9, 2022.

27 22. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from the
28 Rebuttal Expert Report of Christopher R. Knittel, PhD., dated May 31, 2023.

23. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts from the deposition transcript of Plaintiff Anibal Rodriguez, dated October 16, 2022.

24. Attached hereto as **Exhibit 21** is a true and correct copy of Google LLC's Supplemental Objections and Responses to Plaintiffs' Interrogatories, Set Six (Nos. 12, 16, & 17), dated November 1, 2022.

25. Attached hereto as **Exhibit 22** is a true and correct copy of Expert Rebuttal Report of Google's expert Anindya Ghose, PhD., dated May 31, 2023.

26. Attached hereto is **Appendix A**, a collection of publicly available Google policies. The Appendix contains the following:

(a) *Privacy Policy* as published on June 28, 2016, downloaded on August 24, 2023, available at: <https://policies.google.com/privacy/archive/20160628>

(b) *How Google user your data for ads* as published on September 26, 2016, downloaded on August 23, 2023, available at: <https://web.archive.org/web/20160926141132/https://privacy.google.com/how-ads-work.html>

(c) *Advertising – Privacy & Terms* as published on June 29, 2016, downloaded on August 23, 2023, available at: <https://web.archive.org/web/20160629135224/https://www.google.com/policies/technologies/ads/>

(d) *Key Terms – Privacy & Terms* as published on April 26, 2018, downloaded on August 24, 2023, available at: <https://web.archive.org/web/20160627215305/https://www.google.com/policies/privacy/key-terms/>

(e) *How Google uses data when you use our apps – Privacy & Terms* as published July 18, 2016, downloaded on August 24, 2023, available at: <https://web.archive.org/web/20160718100338/http://www.google.com/policies/privacy/partners/>

(f) *Advertising – Privacy & Terms* as published on April 4, 2018, downloaded on August 23, 2023, available at: <https://web.archive.org/web/20180404001532/https://policies.google.com/technologies/ads>

1 27. Attached hereto is **Appendix B**, a collection of privacy policies previously filed as
2 Exhibits A-01–L-02 on December 17, 2020 (Dkt. 64-1–22) in connection with the Declaration of
3 Jayvan E. Mitchell in Support of Request for Judicial Notice (Dkt. 64).

4 28. Attached hereto is **Appendix C**, a spreadsheet of publicly available policies from
5 apps that Plaintiffs disclosed having downloaded during the Class Period.

6 I declare under penalty of perjury under the laws of the United States that the foregoing is
7 true and correct.

8
9 Dated: August 24, 2023

/s/ Eduardo E. Santacana
EDUARDO E. SANTACANA